

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICIA SOMERS, as alleged trustee for
the Valesco Irrevocable Trust dated June 16,
2004,

Plaintiff,

v.

MIDLAND NATIONAL LIFE INSURANCE
COMPANY,

Defendant.

Case No. 2:22-cv-1904-APG-NJK
ORDER GRANTING
~~STIPULATION AND ORDER TO~~
EXTEND DEADLINE TO FILE REPLY
TO MIDLAND'S OPPOSITION TO
MOTION TO AMEND (ECF NO. 45)

(FIRST REQUEST)

Patricia Somers ("Trustee"), Trustee of the Irrevocable Valesco Trust, dated June 16, 2004 ("Irrevocable Trust"), by and through her counsel Lee Kiefer & Park, LLP, and Midland National Life Insurance Company ("Midland"), by and through its counsel of record, the law firm of Holley Driggs, hereby stipulate and agree as follows:

1. On October 9, 2023, Plaintiff filed her Motion for Leave to Amend her Petition (Motion to Amend"). ECF No. 36.

2. On October 16, 2023, the Court granted the stipulation and order submitted by the Parties to extend the deadline for Midland to respond to the Motion to Amend to November 6, 2023. ECF No. 38.

3. On November 6, 2023, Midland filed its Brief in Opposition ("Opposition") to the Motion to Amend. ECF No. 45.

4. The current deadline for the Trustee to file her Reply to Midland's Opposition is November 13, 2023 ("Reply Deadline").

5. The parties have agreed that a three-week extension of the Reply Deadline is appropriate given conflicting commitments of the Trustee's counsel prior to the Reply Deadline, including, without limitation, the drafting and preparation of an answering brief for an appeal before the Supreme Court of Nevada by lead counsel for the Trustee, and previously set family travel plans for the Thanksgiving holiday. These commitments, coupled with the other ongoing obligations of counsel, render an extension of time appropriate.

6. Midland's participation in the submission of this stipulation is not an admission of the existence or validity of the alleged trust nor the efficacy of the state court order in the instant federal action.

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7. Accordingly, the parties stipulate and agree that the Reply Deadline shall be extended to December 4, 2023. This is the parties' first request for an extension of the Reply Deadline, and such request is not meant for the purpose of causing undue delay.

IT IS SO STIPULATED.

DATED this 7th day of November 2023.

HOLLEY DRIGGS

/s/ Hunter M. Van Asten

GODFREY & KAHN, S.C.

PAUL F. HEATON, ESQ., Admitted *Pro Hac Vice*

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Attorneys for Defendant Midland National Life

Insurance Company

DATED this 7th day of November 2023.

LEE KIEFER & PARK, LLP

/s/ Matthew W. Park

MATTHEW W. PARK, ESQ.

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*Attorneys for Plaintiff, Patricia Somers,
Trustee*

ORDER

NO FURTHER EXTENSIONS WILL BE GRANTED.
IT SO ORDERED.

Dated: November 8, 2023


UNITED STATES MAGISTRATE JUDGE